

Department of Correction

Testimony of Joseph Haggan, Director of Parole and Community Services

Judiciary Committee

Raised Bill No. 475, *An Act Concerning Nonviolent Offenders*

March 19, 2010

Good morning, Senator McDonald, Representative Lawlor and members of the Judiciary Committee. I am Joseph Haggan, Director of Parole and Community Services Division for the Department of Correction. I am here this morning on behalf of Acting Commissioner Brian Murphy who was unable to be here.

The Department has reviewed the provisions of Raised Bill No. 475, *An Act Concerning Nonviolent Offenders*, and wanted to take this opportunity to provide you with information regarding current processes when a parolee is arrested for the commission of a new criminal offense and address some concerns about the proposed provisions of the bill.

The Parole and Community Services Division currently employs a wide-range of evidenced-based and best practices in response to offender non-compliance and criminal violations. Electronic monitoring, including the use of GPS technology, is already an available option to parole officers as a sanction for a non-violent criminal offense. The determination to violate an offender is made based on a review of assessed risk, criminal history, compliance with supervision, and the nature of the current violation. Professional discretion is also an important factor in the decision to return an offender to custody due to a new criminal offense.

The Department currently has no obligation to return an offender to custody for a new criminal offense as indicated in the Department's Administrative Directive 11.3, Remand of Offenders to Actual Custody, which states in part, "Whenever an offender is in actual police custody for new misdemeanor or felony charges, the parole officer receiving notification shall verify the identification and supervision status of the offender. The parole officer shall evaluate the nature of the offense to assess the appropriateness of a Remand to Actual Custody Order and the method of its lodging."

In cases where an offender is remanded to custody based on allegations of new criminal activity procedures similar to the proposed legislation are currently followed in that within seven days of the lodging of the remand to Actual Custody Order the supervising parole officer is required to submit a formal written violation report to the BOPP outlining the circumstances surrounding the violation. This report also includes a recommendation that may incorporate existing assessment scores. The BOPP reviews these reports and may order an offender to be re-released with modified stipulations at any point in the violation process.

The Department has worked collaboratively with the BOPP to develop a new "Managing Offender Behavior in the Community" policy that is currently being piloted in several district offices. The policy establishes guidelines using the validated risk and needs instruments currently in place to help determine appropriate incremental sanctions including, when appropriate, return to a higher level of custody based on violations of the release agreement, including criminal activity. Please consider that many offenders with pending criminal charges will incur new criminal convictions resulting in new sentences that may require them to be re-

incarcerated. Additionally, many offenders arrested for new offenses have also violated general and special conditions of their parole agreements and may have also been previously sanctioned for doing so earlier in their supervision as well. Please also note that, when we return an offender to custody for a parole violation, we make recommendations to the BOPP regarding whether or not we feel the offender should be re-paroled upon disposition of any criminal charges. Conversely, when we opt to maintain an offender in the community, we review the current Case Management Plan and ensure that the offender continues to participate in appropriate programs and may make additional referrals as necessary. Such programs may include electronic monitoring, to include GPS technology, substance abuse treatment; sex offender treatment; mental health treatment; anger management; and domestic violence.

Thank you for the opportunity to present the Department's views on this bill. I would be happy to answer any questions you may have.